

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA	]	
	]	
v.	]	Cr. No. 19-cr-142-01-LM
	]	
NATHAN CRAIGUE	]	

STATUS REPORT

The defendant, Nathan Craigue, through his counsel, Dorothy E. Graham and Behzad Mirhashem, AFPDs, provides this status report concerning a subpoenaed witness, Timothy Stohrer.

Mr. Stohrer, who is a member of the US Army National Guard, was served in-hand with a trial subpoena at the US Army National Guard located at 106 Airport Road in Middletown, Rhode Island on May 4, 2021. On Wednesday May 5, 2021, Staff Judge Advocate, Lt. Col. Robert Williamson, called counsel concerning the subpoena. He informed counsel that Mr. Stohrer was being deployed overseas within the next couple of days, and that his deployment would be for approximately a year. Therefore, he maintained that Mr. Stohrer would be unavailable to testify. Counsel asked Williamson to provide the following information: First, what law or regulations excuse Mr. Stohrer from complying with the subpoena; second, whether the deployment could be delayed by a few days to coordinate a trial deposition; and third, whether Mr. Stohrer could testify by video for the trial. Williamson advised that Mr. Stohrer would be in a location where he would have limited access to the internet. As to the other inquiries, Williamson advised counsel that he would contact her by the next day. Williamson did not contact counsel. Counsel contacted the office of Williamson and was told that he was

on leave until Tuesday, May 11. Counsel left two messages with Williamson's colleague and has sent Williamson an email, asking him to contact counsel to address this issue.

It is defense counsel's position after researching the issue that Stohrer has been validly subpoenaed and is required to comply with the subpoena. While there may be grounds for moving to quash the subpoena under some circumstances, there is no legal authority for a witness served in the United States, including a servicemember, to ignore a subpoena. Nevertheless, counsel provide this notice in the event that a request for a trial deposition may need to be filed on very short notice in the coming days.

Respectfully submitted,

Date: May 10, 2021

/s/ Dorothy E. Graham  
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**CERTIFICATE OF SERVICE**

I hereby certify that the above document was served on the following person on May 10, 2021 and in the manner specified herein: electronically served through CM/ECF to AUSA John Davis, AUSA Aaron Gingrande and AUSA Anna Dronzek.

/s/Dorothy E. Graham  
Dorothy E. Graham